

**United States District Court
Western District of Washington
Tacoma Division**

John Doe #1, et al.,

Plaintiffs,

v.

Sam Reed, et al.,

Defendants.

No. 3:09-CV-05456-BHS

The Honorable Benjamin H. Settle

**Notice of Intent to Offer Evidence under
Federal Rule of Evidence 807**

In accord with Federal Rule of Evidence ("FRE") 807, Plaintiffs hereby give notice to all counsel and represented parties in this case that Plaintiffs intend to rely on the evidence presented in their motion for summary judgment and brief in support of motion for summary judgment; all exhibits (i.e., Exhibits 1 through 6) attached to their motion for summary judgment; and all other evidence previously filed in this case, including, but not limited to, their verified complaint (Dkt. 2) and exhibits attached thereto; Declaration of Scott F. Bieniek in Support of Plaintiffs' Motion for a TRO and Preliminary Injunction (Dkt. 4) and exhibits attached thereto; and the Declarations of John Does 3, 4, and 5 in Support of Plaintiffs' Motion for Preliminary Injunction (Dkts. 52, 53, 54).

To the extent statements in any of these filed documents are relevant to determining the issue of whether to grant Plaintiffs' motion for summary judgment, but would otherwise be

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inadmissible under FRE 802, Plaintiffs assert that they are statements of material fact having circumstantial guarantees of trustworthiness; that such statements are, because of the scope of the evidence in this case, “more probative on the point for which [they are] offered than any other evidence which [Plaintiffs] can procure through reasonable efforts”; and that “the general purposes of [the Federal Rules of Evidence] and the interests of justice will best be served by admission of the statement[s] into evidence.” *See* Fed. R. Ev. 807.

Dated this 29th day of June 2011.

Respectfully submitted,

/s/ Jared Haynie
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**Pro Hac Vice Application Granted*

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Certificate of Service

I, Jared Haynie, am over the age of 18 years and not a party to the above-captioned action. My business address is 1 South Sixth Street, Terre Haute, Indiana 47807.

On June 29, 2011, I electronically filed the foregoing document, described as Notice of Intent to Offer Evidence under Federal Rule of Evidence 807, with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct.

Executed this 29th day of June, 2011.

/s/ Jared Haynie
Jared Haynie
Counsel for All Plaintiffs